

CITY COUNCIL MINUTES

June 11, 2012

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, June 11, 2012 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: Mosby, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

Absent: McGinn, Brinkerhoff-Riley

There being seven (7) members present and two (2) members absent and seven (7) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance is led by Councilman Adams.

Fellow Councilmen and those in the audience, welcome to the June 11, 2012 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Are there any students in the audience that would like to be recognized?

COUNCIL ATTORNEY

This evening John Hamilton is City Council Attorney.

SERGEANT AT ARMS

This evening Officer Evans is our Sergeant at Arms.

READING AND AMENDMENT OF MINUTES

Is there a motion to approve the minutes of the May 21, 2012 meeting of the Common Council as written?

Councilman Friend moved and Councilman O'Daniel seconded the motion to approve the minutes of the regular meeting of the Common Council held May 21, 2012 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR JUNE 8TH PACKET:

*City Council Agenda for the June 11, 2012 City Council meeting.

*Committee Meeting Schedule.

*City Council Meeting Minutes from the May 21, 2012.

*Ordinances G-2012-10, G-2012-11, and F-2012-8.

*Resolution Dockets C-2012-12 and C-2012-13.

*Rezoning Ordinances R-2012-9 as amended, R-2012-13, R-2012-14, and R-2012-15.

*Area Plan Commission Staff Field Reports and Minutes from May 10, 2012 APC Meeting.

- *A letter from Goedde Law Office requesting to withdraw Rezoning Ord. R-2012-12.
- *List of Meetings for June in the City/County Administration Bldg.
- *A memo from City Controller Russell Lloyd regarding 2013 Budget Hearing Schedule.
- *City of Evansville Financial Report dated April, 2012.
- *A memo from City Controller Russell Lloyd regarding costs for Roberts Stadium.

ON YOUR DESK THIS EVENING:

- *A copy of a letter from Councilman John Friend to Umbaugh & Associates.
- *Amended Ordinance F-2012-8.

President Robinson: Can I have a motion to receive, file and make these reports and communications part of the minutes of the meeting?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote.
So ordered.

Next, I need a motion to withdraw Rezoning Ordinance R-2012-12

Councilman Adams moved and Councilman Lindsey seconded the motion to accept the request to withdraw Rezoning Ordinance R-2012-12. All in favor say aye. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

<u>ORDINANCE G-2012-10</u>	<u>A.S.D. (MOSBY)</u>	<u>MOSBY & WEAVER</u>
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An Ordinance amending Chapters 5.30 (Secondhand Goods, Secondhand Stores, and Consignment Shops) and 5.53 (Precious Metal Dealers) of the Evansville Municipal Code.

<u>ORDINANCE G-2012-11</u>	<u>A.S.D.</u>	<u>MOSBY</u>
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An Ordinance amending Title 2 (Administration and Finance) of the Evansville Municipal Code regarding Nepotism, Conflict of Interest)

<u>ORDINANCE F-2012-8</u>	<u>FINANCE</u>	<u>FRIEND</u>
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An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations, repeal, and re-appropriations of funds for various city funds.

<u>ORDINANCE R-2012-13</u>	<u>TO APC</u>	<u>C-4 to M-1</u>
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An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1808 S. New York Avenue, Evansville, Indiana

Petitioner:	Randall L. Evans, Sr. and Patricia G. Rahm
Owners:	Randall L. Evans, Sr., Patricia G. Rahm, Tom Evans, James Evans
Representative:	Nancy L. Evans
District:	Connie Robinson, Ward 4

ORDINANCE R-2012-14 **TO APC** **M-1 to M-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2406 and 2410 Lynch Road, Evansville, Indiana

Petitioner: C2S Holdings, LLC, Kevin Harris, VP
Owners: Same
Representative: Andy Easley Engineering, Inc.
District: John Friend, Ward 5

ORDINANCE R-2012-15 **TO APC** **R-1 to CO-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1425 Covert Ave, Evansville, Indiana

Petitioner: Jeffrey B. and Jane M. Baker
Owners: Same
Representative: Joseph M. Baker
District: Constance Robinson, Ward 4

President Robinson: Is there a motion to adopt the Consent Agenda as written?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to adopt the Consent Agenda First Reading as written. Voice vote. So ordered.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2012-4 as amended FROM APC **R-4 to C-4 with U&D Comm.**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 306 Chandler Ave., Evansville, Indiana 47713

Petitioner: ECHO Community Health Care, Inc.
Owners: Same
Representative: Krista B. Lockyear
District: Constance Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes and 1 abstention.

ORDINANCE R-2012-10 FROM APC **C-1 to C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 4701 N. First Avenue.

Petitioner: Walgreen Company
Owners: Walgreen Company
Representative: Steven L. Bohleber
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes.

ORDINANCE R-2012-11 FROM APC

C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3400 W. Virginia Street

Petitioner: Gerald J. Wildeman

Owners: Gerald J. Wildeman

Representative:

District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes.

President Robinson: Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman Adams moved and Councilman O'Daniel seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. So ordered. Council now stands at Third Reading which is final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-4 as amended FROM APC

R-4 to C-4 with U&D Comm.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 306 Chandler Ave., Evansville, Indiana 47713

Petitioner: ECHO Community Health Care, Inc.

Krista Lockyear: Good afternoon Madam President and members of the Council. My name is Krista Lockyear. I am here representing ECHO Health Care, which is a local not-for-profit that is located off Mulberry St. ECHO provides affordable healthcare with a large percentage of its patients being uninsured or underinsured and homeless. ECHO gets by providing this service with mostly corporate and not-for-profit assistance. Deaconess, St. Mary's, Vectren, Welborn Baptist Foundation, Southwest Healthcare, the United Way of Southwestern Indiana, the United Way of Posey County, and the University of Evansville are the major contributors that assist with its mission.

About a year and a half ago, ECHO identified a potential need for expansion. There is some need for additional dentistry services in the area. In looking towards their expansion, they knew they were going to need some additional parking. At that point in time they purchased this lot that is the subject of the rezoning and we did seek to rezone that property for parking purposes.

After our Area Planning Commission meeting, we had several neighbors that were adamantly opposed to this lot being utilized for parking; it is close to those neighbors' residences. We kind of took a step back to look at this and asked what we could possibly do with this property?

ECHO, again being a not-for-profit, had invested some funds into the lot and didn't want to simply waste those funds. So we searched around for what use could we do that would not be offensive to the neighbors such as the parking lot. Obviously, building a residence on this lot doesn't fit within their mission so that was not something that was a reasonable possibility for them.

ECHO has a yard barn, of all things, for which they are renting property out on the eastside for storage of their lawn mower and various equipment. It is a residential type yard barn like you would have behind your house. The only answer to the question of what use could we come up with for this property that would allow them to use it for something and yet not be objectionable to the neighbors, we hoped, was the yard barn.

So we are seeking now with the amended rezoning approval to rezone to C-4 with an amended Use Commitment. Our Use Commitment specifically says the only C-4 use shall be that of a storage warehouse to be in the form of a barn or shed for storage, similar in style to what is commonly utilized with residential uses. I went on in here to say, "provided, however petitioner does not intend for this limit to prevent ancillary uses of the real estate such as seating areas". They do have a couple of picnic tables on their lot as well that they want to be able to allow their employees to come out at lunchtime and utilize them.

We went forward with this Use Commitment at APC and received unanimous recommendation with one abstention, being Councilman Adams since he was going to hear this again tonight.

I would be happy to answer any questions. Otherwise, we would certainly appreciate your approval of this rezoning so that ECHO can make some use of this lot.

Councilman O'Daniel: Just from a legal standpoint...if it was rejected at Area Plan initially, why have you continued to move forward on a rezoning as opposed to a variance, which would allow for the yard barn without a residential structure but not have it rezoned commercial?

Krista Lockyear: We actually cannot get a variance because you cannot get a variance from use requirements. We could get a special use, however they initially applied for the special use for parking and that was denied and there is not special use for a yard barn. So really, the only alternative for a storage yard barn as the only structure rather than as an ancillary structure associated with a residence is the C-4 rezoning.

And I do want to point out that if we did not rezone this and built a residence we could have the yard barn without the rezoning at all. It is just kind of a quirky deal in the rezoning code.

Councilman O'Daniel: What do the neighbors indicate? Again, Mr. Mills may be here today and I think Ms. Cain was also someone who contacted me and I do not see her but I know she has been opposed to it in the past.

Krista Lockyear: I have spoken with Mr. Mills and he is here tonight and would be happy to address the council.

President Robinson: Any questions from any other Council members?

Councilman Friend: Krista, one of the questions asked by, I think Ms. Cain, is how easy is it to change the Use & Development Commitment?

Krista Lockyear: It is not at all. It takes a complete rezoning. I spoke with Councilman O'Daniel about this earlier...in my experience in doing zonings, when there is a Use Commitment in place associated with the rezoning, in some respects makes it more difficult to rezone because Council and APC recognize that a lot of work and discussion and negotiation

have gone on to get to this point with the Use Commitment with the neighbors. If ECHO would seek to do anything else with the property other than what is allowed: the yard barn, we would have to go back through the entire rezoning petition, go to the APC, come in front of Council again and the record is going to show all the negotiation that went into getting us to this point. So it is a pretty cumbersome process.

Councilman Friend: Do you agree with that? *(Question directed at City Council Attorney John Hamilton)*

Attorney Hamilton: Yes, that is exactly correct. You have to go through it just like a new rezoning.

Councilman Friend: Okay, thank you.

President Robinson: Councilman Lindsey.

Councilman Lindsey: Ms. Lockyear, I have a question for you. Who did ECHO buy this property from in the first place?

Krista Lockyear: I believe it was Southwest Indiana Mental Health.

Councilman Lindsey: Okay. Was there ever a private deal where only you knew that it was up for sale? Were the neighbors given the opportunity to purchase it?

Krista Lockyear: I do not believe it was listed. This was before I became engaged by ECHO for the rezoning, but I do know they had real estate broker involved in the transfer, but when I asked him how long it had been on the market he indicated it had not been listed. So likely, it was a scenario where ECHO went to Southwest and said, "We'd like to buy this lot".

Councilman Lindsey: What was purchase price? Do you know?

Krista Lockyear: I think I have it in my file if you would not mind...just a second. I know we have had discussion regarding that at earlier Plan Commission hearings.

Councilman Lindsey: It is not that big of a deal. I just wondered if it was in line with what the actual value of the property was.

Krista Lockyear: I actually do have it. It was \$35,000.

Councilman Lindsey: I just wondered if the neighbors were given any opportunity at all to purchase this. That's kind of a high price, but okay. Thank you very much.

Councilman O'Daniel: Since he brought that up...do you know what Southwestern Mental Health used it for when they purchased it?

Krista Lockyear: There was a residence on there that was razed, and I do not know if there was any intended use by Southwest or if it was simply a lot that they were trying to get rid of. I can only tell you when ECHO purchased it, which was November 1, 2011.

President Robinson: Are there any questions from any Council members?

Councilman Friend: If I may add. I think I asked Martha that same question. She said when it came up she didn't have the wherewithal I believe to come up with the purchase price, if I recall that's what she might have said.

Councilman Lindsey: That's a lot of money for a lot.

Councilman Friend: Yeah it is...\$35,000.

Krista Lockyear: Right, and to expand on that point, after ECHO had purchased and started to move forward with seeking a parking lot, we did have some very brief conversations with the neighbors about their purchasing. Because ECHO is a not-for-profit, their board of directors are in a fiduciary position that they felt that they could not take a loss on the sale of this property. That's where those discussions ended.

Councilman O'Daniel: And this may be where Mr. Mills could elaborate a little bit since he's an adjacent property owner too.

President Robinson: Any other questions from any Council members? Mr. Mills.

Tim Mills: Hi my name is Tim Mills and I reside at 300 Chandler Ave. To answer some of your questions, the neighbors had gone to Southwest Mental Health for a number of years trying to buy this property and they refused to talk to us. They sold it to ECHO for \$35,000; it assesses for \$3,000. They bought it for \$35,000 and it assesses for \$3,000, which is a little concerning since it's a not-for-profit.

We as neighbors feel that we need to be good neighbors. They do own the property; they need to be able to use it, so we do not have a problem with putting in a yard barn. We would like to go on record as saying that if they come back like a year from now, which we fully feel they will, because the zoning that they're rezoning for if you go through the zonings for commercial, that's the zoning that allows a parking lot.

We find it very, very hard to believe that anyone would pay that much money to put a yard barn. We've gone back and talked with them once again and offered them what we felt was a reasonable amount of money for that lot, actually, five times reasonable amount of money for that lot, which is not going to match what they paid for because what they paid for it was insane. If they were spending the money out of their own pocket, nobody would pay that much money for that piece of property.

We feel that they came in and they tried to slide it in under our nose and go for the special use and they didn't expect to get a fight out of it and they did. Just to go on record, they will get a fight again if they go to rezone this anything other than a yard barn. And I know there is no way that we can go back and say if they do, it should revert back to residential, what it is right now, but that's what should happen. If they come back a year from now or two years from now and try to slide in the back door again, then it should automatically go back residential. It's what we would request. I don't think that's possible by law to do that but we just feel there's a bigger agenda.

That property was bought eight years ago by Southwest Mental Health. They actually bought the whole...there were houses where ECHO is now. They bought all that property, came to the Wheeler Drive Neighborhood Association and asked us to go with them to help them rezone it and they were going to buy all that property. They got everything purchased except three houses and then the state pulled their funding so those three houses were still sitting there. So Southwest Mental Health has been sitting on that property for that amount of time until they sold it to ECHO.

There is a larger piece of property on the other side of the house in the middle of the street that no one would have went against them if they wanted to put a parking lot there. But we feel like they plan on putting a building there in due time and that's our concern because when this whole thing came up before Krista was hired, they had a gentleman come in here and swear up and down that they had no intentions of doing any additions to their building or anything. Then we come to find out they need parking because they want to add on to their building. So this whole thing has kind of just been not on the up and up if you could say. And I think if they had of been more on the up and up from the very beginning, we wouldn't be as hesitant about what we're doing.

But back to what I originally said, we agree to let them have a yard barn. But just so you know, we highly protest anything else they want to do with that property.

President Robinson: So you are in support of this.

Tim Mills: For a yard barn, we're in support.

President Robinson: Okay, thank you.

Tim Mills: You're welcome.

President Robinson: I'm sorry Mr. Mills...

Councilman O'Daniel: When you say we, are you speaking for the neighborhood association or the neighbors?

Tim Mills: I met with the neighbors today. I talked with Martha shortly before I came in here and advised her that I personally feel we need to be good neighbors. A yard barn's not going to kill us as long as that's all it's going to be.

President Robinson: And this affects three neighbors?

Tim Mills: It affects three neighbors. There are only three houses left on that street. The right thing to do would be to buy those three houses, go about your business and add on and make ECHO a big huge place. But they probably could have bought one of them for what they paid for a parking lot.

President Robinson: Are there any other questions from any other council members or any... Councilman Weaver?

Councilman Weaver: I just want to clarify with all due respect; the assessed value of that property is \$7,300.

Tim Mills: When I checked it, it was \$3,000.

Councilman Weaver: Okay, and then...

Tim Mills: I might have looked at it wrong. That's still \$35,000 for a \$7,300 piece of property.

Councilman Weaver: It's exempt which maybe has something to do with it. Also, it had a sales history in 2002 where it sold for \$72,000.

Tim Mills: It sold for \$72,000 when there was a house on it. And they razed the house so that tells you they tore down a pretty decent house that was sitting there. For down there, \$73,000 for a house that hasn't been renovated is a lot of money.

President Robinson: Any other questions? Okay, thank you Mr. Mills. I need a motion to adopt Ordinance R-2012-4 as amended and call the roll.

Councilman Weaver moved and Councilman Mosby seconded the motion to adopt Ordinance R-2012-4 as amended and call the roll.

ROLL CALL

Ayes: Mosby, Friend, Weaver, Robinson

Nays: Lindsey, Adams, O'Daniel

Absent: McGinn, Brinkerhoff-Riley

There being four (4) Ayes and three (3) Nays, Ordinance R-2012-4 (*Inaudible*) is No Action tonight.

Krista Lockyear: So for a matter of procedure Mr. Hamilton, we come back to the next zoning meeting or...

John Hamilton: Are we on a time frame or (*Inaudible*)

(*Inaudible*)

President Robinson: They don't have to wait a year to come back?

John Hamilton: No action is not denial or approval... (*Inaudible*)

Krista Lockyear: Right, right. So my question is do we come back to the next scheduled City Council hearing or the next one that you typically have zonings?

President Robinson: It doesn't matter. It'd be either the 25th or it would be July. I guess you'd want to come back when we have a full council. We expect everyone to be here on the 25th. So on June 25, we will hear Ordinance R-2012-4 as amended.

Krista Lockyear: Alright, thank you.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-10 FROM APC

C-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 4701 N. First Avenue.

Petitioner: Walgreen Company

Steve Bohleber: Good evening President Robinson and members of the City Council. For the record, I'm Steve Bohleber, an attorney here in town and I'm here on behalf of Walgreen Company, who is the petitioner in this matter. Walgreen is asking to rezone a four/tenths of an acre site on the northeast corner of First Ave. and Mill Road that has for years been a vacant, abandoned gas station. Recently, my client did raze the structure.

The rezoning will bring it into conformity with the wrap-around C-4 zoning that is already at this corner and the ultimate purpose will be to construct a Walgreens drug store. Ultimately, the total development will be 1.33 acres and will include adjacent property to the north and east that's currently being used in operating a Pizza Hut.

The request is consistent with the comprehensive plan. The commercial development at this intersection is consistent with the trend in that area for decades. As you're all well aware, this is one of the intersections at a retail/commercial district on the city's north side.

This development is being coordinated by a local and a Louisville based real estate development company. I'm here tonight with Mike Leonard who is the COO of Hogan Real Estate in Louisville and Jan Meeks from Summit Real Estate Services here in Evansville to answer any questions you might have about this development.

As the record reflects, this matter was presented to the Area Plan Commission on May 12 and comes to you with a unanimous do pass recommendation and we are asking for your affirmative vote. We are here to answer any questions you might have.

President Robinson: Thank you. Do we have any questions of Mr. Bohleber?

Councilman Friend: Yeah, Steve and I talked about this. That lot I know very well. I think it's been sitting vacant forever.

Steve Bohleber: Quite a while.

Councilman Friend: As a matter of fact, I've had some neighbors actually encourage more development in that North Park area. If you recall back during the first year we were on Council, we thought Lowe's was coming in as a gateway to that north end and then that fell through. This is encouraging.

Steve Bohleber: And this is the latest in several Walgreens that the company has invested in in Evansville in the past few years and I think they've demonstrated to be very good community citizens.

President Robinson: Councilman Adams?

Councilman Adams: So the Pizza Hut will come down?

Steve Bohleber: Ultimately yes. The lease extends on into 2014 I believe. So this long-term development certainly will not result in the Pizza Hut being closed before its lease expires.

Councilman Adams: My dentist happens to be right next to this thing and they are very much in favor of this.

Steve Bohleber: Yes, I concur with that. He called me when we got the notices out.

Councilman Friend: I think it's been a while since we've had any commercial development up in that area. I may be wrong about that...it's been a while.

Councilman Adams: Will there be any problem with the fact that there was a gas station there for many, many years and will there be soil testing?

Steve Bohleber: Soil testing has been done. Any remediation that needs to be done will certainly be done. I talked, in fact, to Mr. Leonard about that before the meeting and yes, there is no question. They are aware of the problems that are caused by that type of business. They are going to fix those before they construct.

Councilman Adams: Thanks.

President Robinson: Are there any other questions from any Council members? Is there anyone for or against it in the audience?

Please state your name and address.

Sandra Reising: Hi, my name is Sandra Reising and I own 704 Windsor Ave. I'm here today...you were just saying about the gas station that went down. Five years ago in 2007, the reason that it closed down was because CVS and Walgreens were bickering back and forth, like they were with our property as to who was going to give them the most money. Walgreens won and they bought the gas station; that's why it closed down. CVS won on Pizza Hut. That's why we had to wait five years on them buying the property. So they all bickered back and forth about the land and how much they were going to give us and who was going to buy and nobody sold out.

My house, if you look on that paper, is the one with the most land. One more over, this way. Actually I have a better paper of it. The way that it sits...okay, that's better, yes. (*Discussing visual aids*) On the parking, so everything is in my backyard. My dog... I have it as rental property now but I live in a two-story house in St. Phillips. I planned on buying this house and retiring there. It was my son's house; I bought it in 2009. It's a one level. I have animals so to

have all your animals in the backyard, there are going to be lights all night long back and forth through the drive-thru that they're planning on having through there.

And I'm just opposed to this happening so I just wanted to give my opinion. There is going to be a dumpster put, from what I understand, right butted up against that fence. They said they are going to put an eight foot fence up, which is fine, but everybody knows lights in the dark is going to go through a fence. And you are going to have travel all night long, 24-hour service. No, I'm not very happy with it.

President Robinson: Councilwoman Mosby?

Councilwoman Mosby: And when did you purchase the property on Windsor?

Sandra Reising: I purchased it in 2009. My son lived there, and his wife had passed away in the home so he moved out. When he moved out, I bought the house for rental property. I have rental property. And I was going to downsize when my husband and I retire so we're going to buy this house to live in at a later date.

Councilwoman Mosby: Okay, but the Pizza Hut and everything were already commercial when you purchased, correct?

Sandra Reising: Yes. I just have all the paperwork and know the whole story because my son lived there during all the arguing back and forth and then when I moved there it was still kind of happening.

Councilwoman Mosby: Okay, thank you.

President Robinson: Councilman Friend?

Councilman Friend: Yes I believe the same issue came up with the zoning we had the CVS on the corner of Columbia and First Ave. We had the same issue that went on then...lights, situation like that. What did they do to try and...

Councilman Adams: They just made a very generous space between the buildings. One of the problems was a guy that said he had a houseboat and he claimed he couldn't get through the thing. They actually worked it out so he can get in but I've never seen a houseboat there and I've followed up on it in the last year. But they actually did work it out. And I think an eight-foot fence, if it were properly constructed, would really shut down a lot of the light.

Sandra Reising: But they are going to butt it up to the fence, right. It's what I was told earlier today.

Councilman Friend: I mean would a ten-foot fence be better? I don't know, I'm just asking.

Councilman Adams: Well an eight-foot fence would cut a lot of light down. I guess it depends on how close the levers are.

(Inaudible)

Sandra Reising: I have a very large back yard.

President Robinson: So you are saying what, a ten-foot fence?

(Inaudible)

Sandra Reising: For more privacy?

Councilman Friend: Because I believe Steve, this is going to be a 24-hour facility. Is it going to be a 24-hour facility?

(Inaudible)

Councilman Friend: I know the one you have on Morgan and Oak Hill...

Councilman Adams: And First Ave.

Councilman Friend: And First Ave. I don't think...

Councilman Adams: They're not. They close at nine or ten.

Councilman Friend: 9:00

(Inaudible)

Councilman Friend: I understand.

(Inaudible)

President Robinson: Sir, you need to come to the microphone.

Mike Leonard: Oh, okay

President Robinson: State your name.

Mike Leonard: Mike Leonard, Hogan Real Estate, 420 W. Liberty, Louisville, KY. The store opens in late 2015 on the current schedule because of the Pizza Hut that's in place and so the actual schedule of the store is yet to be identified. Typically, the market will keep, for serving customers, one or two stores open 24 hours. I believe that can change over time. So the real answer is we don't know yet.

Councilman Friend: You have to wait for the traffic counts and everything else....how many scripts are going through the...

Mike Leonard: That's how they determine where they can best serve the clients...customers at the store.

Councilman O'Daniel: Is there a way that you can construct the lighting so as to minimize any effect on neighbors? The same with fencing as well. That may be something that Steve can answer, I see him coming forward.

Mike Leonard: Typically Walgreens has taken a very neighborly approach. And I think most communities actually have sort of put us in a situation where we have to build the shadowbox kind of lighting that points the light down. And I think the typical Walgreens prototype is an eight-foot fence and so we are very conscience of that. We build these stores next to residential all the time so the answer is absolutely.

President Robinson: Councilman Weaver

Councilman Weaver: Ms. Reising, hi. Is it lit 24/7, or at night at least, with the Pizza Hut there already?

Sandra Reising: No they close at 9:00.

Councilman Weaver: So there are no parking lot lights now?

Sandra Reising: Yes there are.

Councilman Weaver: So they are lit...all night?

Sandra Reising: Yes

Councilman Weaver: Okay, thanks.

President Robinson: Councilman Lindsey?

Councilman Lindsey: I know one thing you can do. If you'll bring your drive-thru from First Avenue in and around that way the headlights won't be pointing that way from the cars if they don't come off of Mill. You make your drive-thru come from the other direction. That way when the cars come in they won't be pointing toward... Because if you come in off of Mill for your drive-thru, depending on the configuration of your building, then all the headlights will be pointing toward the residential which is only on the backside. So if you bring your drive-thru from the First Avenue side, the headlights will actually be going away from the...that's just something to think about.

(Inaudible)

Mike Leonard: The real challenge with that is that you end up...the driver's side. I mean we are kind of forced to go in the same direction so you end up on the wrong side by doing that.

(Inaudible)

President Robinson: Are there any other questions from any Council members? Are there any other comments from anyone else in the audience? Mr. Bohleber, would you like to address her concerns?

Steve Bohleber: I have been privileged to do several Walgreens rezonings in the community. All the ones I've been affiliated with have been in residential neighborhoods and it's been my experience that my clients have always been cognizant of their neighbors. Directional lighting, fencing...it can all be done to minimize the impact in any residential neighborhood. That's where they want to be. Neighborhood businesses serve neighborhoods and they're found in neighborhoods. You know this is sort of like when I was growing up on the west side of Evansville where there was a grocery store on every corner. This is in large part what Walgreens has cultivated in this community. When they move into neighborhoods, they do service those neighborhoods. And they certainly want to be good neighbors. It's been my personal observation from the ones I've been involved in that Hogan Real Estate and Walgreens have always been exemplary neighbors and I have no reason to be they won't be here; taking into consideration any concerns the neighbors have during the development process.

President Robinson: Okay, thank you. Mrs. Reising?

Sandra Reising: What about the dumpster I was talking about that they're going to be putting right on the fence line? I mean, can't that be moved away from our area in case...I mean, can't it be moved up somewhere else? I mean, like, they're going to put it right there on the fence line. Can't it be moved up more on the corner lot? I mean, we are...I mean I don't want a dumpster in my backyard. I don't think anybody does. I mean they're going to butt it right up to the fence; they're going to butt the fence right up to our fence...

President Robinson: I'll let him address that. (*Indicating Mr. Leonard*)

(*Inaudible*)

Mike Leonard: I believe if the look at the drawing, the dumpster is actually two properties over.

Sandra Reising: It's still going to be in somebody's yard.

(*Inaudible*)

Councilman O'Daniel: Ma'am, I assume that Pizza Hut has both a dumpster and some sort of...

(*Inaudible*)

Councilman O'Daniel: Is there a ten-foot privacy...or eight-foot privacy fence up there right now?

Sandra Reising: No, we have our own fence.

Councilman O'Daniel: So the current tenant, Pizza Hut, has done nothing to try to hide or do anything to visually protect you all?

Sandra Reising: They are not open 24 hours a day. The way they explained it to me, the drive-thru is going to come around and if you look where that property is, the lights, when you turn your car and make a turn, you're going to hit my house. Right there as you make that turn.

President Robinson: With that fence, with the eight foot fence and maybe the possibility of a ten-foot, and the dumpster is going to be hidden by the fence. I think this kind of out of all of our expertise. We're here to rezone. I mean, we're talking about 2015. Hopefully, you will sit down with her, if this passes tonight, I'm asking that you sit down with her and try to make her a happy neighbor. I shop at Walgreens. That's the only pharmacy I shop at.

(Inaudible)

President Robinson: Yeah, if you would. And maybe at the end of the night you can give her your contact information.

Sandra Reising: I've got it.

President Robinson: You do have that then? Okay.

(Inaudible)

President Robinson: Well we've got until 2015 to try to work this out Mrs. Reising. Thank you for coming tonight.

Is there a motion to adopt Ordinance R-2012-10 and call the roll?

Councilman Lindsey moved and Councilwoman Mosby seconded the motion to adopt Ordinance R-2012-10 and call the roll.

ROLL CALL

Ayes: Mosby, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

Absent: McGinn, Brinkerhoff-Riley

There being seven (7) Ayes and zero (0) Nays, Ordinance R-2012-10 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-11 FROM APC

C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3400 W. Virginia Street

Petitioner: Gerald J. Wildeman

(Inaudible)

President Robinson: Okay, can you come up to the podium please and give us your name.

Ryan Wildeman: My name is Ryan Wildeman and I just bought the property at 3400 W. Virginia Street,

President Robinson: Okay, can you give us some information...what you plan to do with it?

Ryan Wildeman: I plan to live there.

Laughter

President Robinson: Okay, you simplified it. We all have information in front of us. Are there any questions...you need to stay there. Are there any questions from any Council members?

Councilman Friend: You're trying to get a mortgage on it, something like that?

Ryan Wildeman: Yes

Councilman Friend: Yeah, you won't get a mortgage with a C-4, that's the reason.

President Robinson: He's looking at you like you're crazy, John. Is there anybody in the council room that has any questions? Can I have a motion...?

Councilman O'Daniel: So moved.

Councilman Weaver: I have a question. Is that a duplex or a single family?

Ryan Wildeman: Just a single family.

Councilman Weaver: Okay, thank you.

President Robinson: Councilman O'Daniel moved. Can I have a second?

(Inaudible)

Councilwoman Mosby seconded.

(Councilman O'Daniel moved and Councilwoman Mosby seconded the motion to adopt Ordinance R-2012-11 and call the roll)

ROLL CALL

Ayes: Mosby, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

Absent: McGinn, Brinkerhoff-Riley

There being seven (7) Ayes and zero (0) Nays, Ordinance R-2012-11 is hereby declared adopted. You can move in.

CONSENT AGENDA

SECOND READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2012-9

FINANCE

COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

RESOLUTION C-2012-10**FINANCE****FRIEND**

A Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for tax phase-in for redevelopment and/or rehabilitation of property and for acquisition of manufacturing equipment located at 1719 W. Louisiana Street, Evansville, Indiana (Joe W. Morgan, Inc. (a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

COMMITTEE REPORTS:**FINANCE COMMITTEE****CHAIRMAN FRIEND**

Councilman Friend: Madam President, your Finance Committee met this evening to hear Resolutions C-2012-9 and C-2012-10, and both come forward with a do pass recommendation.

Councilman O'Daniel moved and Councilman Friend seconded the motion to adopt the Committee Reports and move these Resolutions to Third Reading. Voice vote. So ordered.

REGULAR AGENDA**THIRD READING OF ORDINANCES OR RESOLUTIONS****RESOLUTION C-2012-9****FINANCE****COUNCIL AS A WHOLE**

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

President Robinson: Is there a motion to Resolution C-2012-9 and call the roll?

Councilman Friend moved and Councilwoman Mosby seconded the motion to adopt Resolution C-2012-9 and call the roll.

ROLL CALL

Ayes: Mosby, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

Absent: McGinn, Brinkerhoff-Riley

There being seven (7) Ayes and zero (0) Nays, Resolution C-2012-9 is hereby declared adopted.

REGULAR AGENDA**THIRD READING OF ORDINANCES OR RESOLUTIONS****RESOLUTION C-2012-10****FINANCE****FRIEND**

A Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for tax phase-in for redevelopment and/or rehabilitation of property and for acquisition of manufacturing equipment located at 1719 W. Louisiana Street, Evansville, Indiana (Joe W. Morgan, Inc. (a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

President Robinson: Is there a motion to adopt Resolution C-2012-10 and call the roll?

Councilman Friend moved and Councilman Adams seconded the motion to adopt Resolution C-2012-10 and call the roll.

ROLL CALL

Ayes: Mosby, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

Absent: McGinn, Brinkerhoff-Riley

There being seven (7) Ayes and zero (0) Nays, Resolution C-2012-10 is hereby declared adopted.

RESOLUTION DOCKET

RESOLUTION C-2012-11 (DOCKET)

**SPONSORS: BRINKERHOFF RILEY,
ADAMS, LINDSEY, FRIEND, MOSBY
O'DANIEL, ROBINSON, WEAVER,**

A Resolution requesting that Allied Waste end its voluntary lockout of 79 local employees and allow their return to work.

This resolution was vetoed by Mayor Lloyd Winnecke who did not sign the resolution for passage.

President Robinson: I will ask Attorney Hamilton to speak on this.

Attorney Hamilton: Yes, just for your information, any time you pass a resolution or an ordinance, the mayor has 10 days to take action. If he takes no action within 10 days then that's considered a veto and under state law at the next regular meeting following that, if the Council wants to override that veto, it takes a 2/3 majority and that means 2/3 of the elected officials so it requires six votes regardless of how many members are here. This is a non-binding Resolution but if that is what you want to do, it has to be done tonight.

Councilman O'Daniel: I'll make that motion to override the veto.

President Robinson: We have discussion. Can we have discussion? We need to have discussion first. I have some slips of paper from people that want to speak on this I guess. We have a regular tonight, Mr. Parke.

Wayne Parke: Thank you. My name is Wayne Parke, I live in Evansville, Indiana, and I'm here recommending that the City Council not take a position in this labor relations company/union negotiations. I do not believe that it is good public policy to get involved in this kind of an issue. So I recommend that you table this motion, take no action, remain neutral. If you do elect to do something or pass a resolution, it is my suggestion that you add to resolution that the union leaders give the opportunity to the 79 workers to vote on the last offer that the company has put on the table. Thank you.

President Robinson: Any questions?

Councilman O'Daniel: Do you think the mayor, by not signing this, has taken a position?

Wayne Parke: I think you need to talk to the mayor about that. You know my position and I think we should table it.

President Robinson: Are there any questions from any Council members? Thank you Mr. Parke. Is there anyone else in the audience that would like to speak on this? Mr. Day is this what...?

Jeff Day: *(Inaudible)*

Councilman O'Daniel: I make the motion to override.

President Robinson: Yes, I need a motion to override the veto by Mayor Lloyd Winnecke.

Councilman O'Daniel moved and Councilman Lindsey seconded the motion to vote to override the veto of Resolution C-2012-11 and call the roll.

ROLL CALL

Ayes: Mosby, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

Absent: M^eGinn, Brinkerhoff-Riley

There being seven (7) Ayes and zero (0) Nays, Resolution C-2012-11 hereby stands as is.

(Inaudible)

RESOLUTION DOCKET

RESOLUTION C-2012-12 (Docket)

FINANCE

FRIEND

A Resolution of the Common Council of the City of Evansville in Support of Economic Development Incentives offered to Wayne Supply Company by the City of Evansville to locate a New Remanufacturing Operation in the facility on 2504 Lynch Road, Evansville, Indiana

Donna Crooks: Good evening Council. For the record, Donna Crooks, Business Development Director for the Growth Alliance for Greater Evansville.

We are bringing before you tonight Resolution C-2012-12 in support of economic development incentives offered Wayne Supply Company to locate a new remanufacturing operation in a vacant 79,000 square foot building in Evansville. Wayne will be investing about two and a half million dollars. They'll be adding about 50 new employees over the next few years and the average wage is about \$21.00 per hour excluding benefits. Other communities were considered for the site for the remanufacturing plant and they chose Evansville. The total ten year economic impact for this project has been calculated about 150 million dollars.

We are asking for your support tonight of a 50-50 company training grant match of \$500.00 for every Evansville resident hired over the next two years for a maximum of \$15,000. We ask for your support of this resolution tonight.

With me is Mike Morris. He's the branch operations manager of Wayne who will come up and answer any additional questions you may have about the project.

President Robinson: Yes, Councilwoman Mosby?

Councilwoman Mosby: Just clarification...they have to live and reside in Evansville.

Donna Crooks: Yes ma'am. They have to be Evansville residents in order to qualify for the 50/50 match.

Councilwoman Mosby: Okay, thank you.

President Robinson: Councilman Adams

Councilman Adams: Just for the record. No money has changed hands before this...no grants, no money has primed the pump here?

Donna Crooks: That is correct. The training will be performed and then they will be reimbursed.

Councilman Adams: Thank you.

Councilman Friend: What's the anticipated percentage increase in employment at current levels?

Donna Crooks: Their current...Mike what is your current employment? *(Inaudible Reply)* They have employees all over but there are about 160 in Evansville...

Councilman Friend: Currently?

Donna Crooks: Currently. So they'll be adding about 50 new employees over the next few years.

President Robinson: Where are their other locations?

Donna Crooks: I know they have locations in...their home headquarters is in Louisville.

Mike Morris: Yes. We have 13 locations. We have two of them in Indiana and the rest of them are in Kentucky. The company owner also owns another company in West Virginia. So counting those, that would be Boyd & Sons...which is the owner of Whayne Supply Company. There are another seven facilities there.

President Robinson: Any other Council members with questions? Is there anyone in the audience with a comment or question?

Is there a motion to adopt Resolution C-2012-12?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to adopt Resolution C-2012-12. Call the roll.

ROLL CALL

Ayes: Mosby, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

Absent: McGinn, Brinkerhoff-Riley

There being seven (7) Ayes and zero (0) Nays, Resolution C-2012-12 is hereby declared adopted. Good luck.

RESOLUTION DOCKET

RESOLUTION C-2012-13 (DOCKET)

SPONSORS: MOSBY, WEAVER, ADAMS,

McGINN, O'DANIEL, LINDSEY,

ROBINSON, FRIEND

A Resolution congratulating the BIKE4ALZ Team of Western Kentucky University students for completing 927 of 3,200 miles as they cycle through the United States raising awareness and funds to fight Alzheimer's disease

President Robinson: We all got an email asking us if anyone was interested in sponsoring this resolution. As I said, this gentleman is trying to raise awareness and funds to try to fight Alzheimer's disease. I think everyone knows someone that's been affected by Alzheimer's so is there a motion to adopt Resolution C-2012-13?

Councilman Weaver moved and Councilwoman Mosby seconded the motion to adopt Resolution C-2012-13. Voice vote. So ordered.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, June 18, 2012. The next City Council meeting will be Monday, June 25, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on June 25.

Paul Bitz: Paul Bitz. I live at 4530 Mystic Creek. Madam President I want to pass out something if it is all right with you. *(Distributed documents to Council members)*

President Robinson: Sure.

Paul Bitz: And I would like to say that this council is as different as night and day from the ones I have seen in past years. And if think it's due to your leadership.

President Robinson: Oh, well thank you.

Paul Bitz: I'm not here to give you a history lesson tonight but I watch all your council meetings on the TV and I understand that Council and lawyers at different times disagree...or don't agree. I used to say if you put five of them against the wall and as you go down, increase your fee you'll get the answer you want at the end. They'd always say, "Well that's not a nice thing to say". I said, well, you could get the answer you want.

What I'm trying to say is you are the direct representatives of the people of Evansville. You are the legislative body and I'm glad to see that this year you are exerting that influence and the veto that you just overrode shows that. I've heard different people say that, under the leadership of a former corporate council, you have no authority to do this or you have no authority to do that. You are the legislative body of the City of Evansville. You can legislate what you want to. If they want to veto, whether it's a democrat or a republican mayor, they can veto it, you can override it. If they don't like it can go to the courts and the courts are the ones to decide whether it's constitutional or not, not some lawyer that's graduated from law school. The courts decide that.

I bring you a resolution, an ordinance tonight from the city of Carmel. They got tired of the legislature trying to do something and not getting it done. They passed a resolution that says and I think you can all read it and I don't need to go through it. Basically what it does, the Redevelopment Commission, they come to you now after the fact. What they're trying to say is that we want to control the money that is spent by the Redevelopment Commission. I know Dan McGinn and different ones of you have always been wanting to do that and this ordinance is the way to do that. If you'll read that ordinance and study it, that shows you how you can get that done. Because they're out there spending money, they're not elected officials. You people are the fiscal guardians of the people and the taxpayers' money.

The other article I want to bring to you is the fact that, the second page there it tells you that the city's not going to have enough money to meet their requirements for all the money that has been spent in the past. And that's because of the caps. And the property's gone down; the value of the property, it's laid out here. The gentleman's name is Deberts and he's at Purdue IU. If you want it, I'll give you his address and phone number. You can call him. He's done this survey for the whole state of Indiana. And it'll tell you they're preaching they can take care of the bills but what about the future? This table does basically the same thing; tells you what happened and what didn't happen in regards to the tax cap.

I've got a couple of suggestions that some of you might like, some of you might not like. I think you should create a capital improvement committee consisting of three legislative members: two democrats and one republican. And if anybody any board wants to do anything under capital improvement, they have to come to you people first and sell you on the idea and show you where the money is going to come from. Not come to you after the fact, when they've already spent some money and yet they say, "Now approve what we've done".

That if the administration is proposing a major project, and I would say this about a democrat mayor or republican mayor and the people that know me will tell you that, that the head of the city be there with his backup staff filling in what it is they're trying to do and not some employee who wasn't elected presenting the project.

The mayor's business is with the legislative body of the city to help get jobs and get the city moving. As I say that no matter if it's a democrat or republican. The fiscal body of the city is the legislative body and it's impossible to tell what's in the budget the way it is made up. You know that when you go through the budget. You've got the law department and 45 pages in different places. That's the most stupid budget, the State Board of Accounts has been doing that for 40 years, and they haven't changed in 40 years. They lost all the money up state. I don't know why somebody doesn't do an audit some time, once in a while around here.

In closing, let me just say a couple words about Roberts Stadium. I used to be at Roberts Stadium when they had the Stadium Board. I was president of the board. I am sure sorry to see that the mayor appointed an architect that was the head of the committee to decide what to do with Roberts Stadium. The same architect that remodeled it lowered the floor and caused the water problem but that's what happened. And that's a beautiful building and I'm telling you they need to take a new look. They hired three expert companies from out of town to come in and talk about the motel over here. Every one of them had a paragraph when they used the other guys' stuff so that they'd get paid but they added a little more in to it. So what did they do at Roberts Stadium? They went by in a car. Some guy that thinks he's an engineer or something tells them what's wrong with it. Why didn't they do a study and find out what the hell's wrong

with it? I can tell you what's wrong with it. They didn't service the pumps and they didn't take care of the property.

I want to thank each and every one of you for letting me come up here and talk and Madam President, I still want to say that I think you are doing an outstanding job and it shows us men that the women can do what we men can do and do it better.

President Robinson: Thanks. I have a question for you. I find this quite interesting because I know some of us that were on Council last year always had concerns about the power that the Redevelopment Commission has, not being elected officials. And yet, the responsibility stops with us. Now I've always been told that the Redevelopment Commission was enacted because of legislature; they were mandated by state legislation. I find this quite interesting just briefly looking over it. I'm not an attorney but I see Sections B and C. I mean, I think this is something that I'd like Mr. Hamilton to investigate for us.

John Hamilton: I agree.

Paul Bitz: Well you can investigate things to death. I'm telling you that the president of the Carmel Council is a republican named Risk and I talked to him personally. He talked to Zoeller, the state Attorney General, and got an unofficial opinion.

The way legislation is enacted is what they say is, "Look, all cities with 150 to 300 population are allowed to enact the following". And they put into that law certain things that have to be in there. That doesn't mean that the council then you come back by ordinance a create what the legislature gave you the power to do. That doesn't mean that the council can't strengthen or do what they want to with it. They can't change what the state did but they sure as hell can add to it.

And the other thing to remember about the legislative process is the fact that 25 years ago, the state legislature gave the councils of all the cities of Indiana, and the townships as well, the authority to consolidate anything they wanted to get together with the county and consolidate and nobody's ever done it. But you have that authority already.

What I'm trying to say is, and I'm not trying to be facetious or anything, you are the legislative body. You can do a hell of a lot more than some people are telling you what you can do, and believe me; I know what I'm talking about. I served in a legislature. Don't let anybody fool you. You guys have the authority and I'm glad to see you got a few more lawyers on here that probably agree and know what to do.

But anyway, is there anything else I can answer you?

President Robinson: I find this quite interesting and Mr. Hamilton, I'm going to ask you to check into this for us.

John Hamilton: Right. I noticed this was just adopted in April and I know Mr. Haney, the City Attorney for Carmel; he's very well respected throughout the state. He gives seminars. What you just mentioned, if he got the Attorney General's opinion ahead of time that may answer the concern because a couple of years ago, we actually looked into this...

Paul Bitz: See the legislature, John, has been trying to do this for four or five years and all they do is pull each other strings and don't get anything done! So Carmel said, "Look, we them out there; they spent almost half a billion dollars", the Redevelopment Commission did up in Carmel. They built a big castle. You can't believe what they built up there. So he said, "I'm going to get a hold of Zoeller". Zoeller said, "You guys can enact what you want to". As long as they...

John Hamilton: Is that a written opinion by the Attorney General?

Paul Bitz: No. I know how you lawyers are about something in writing.

John Hamilton: No, the Attorney General issues written opinions.

Paul Bitz: No, it's not a written opinion. He hadn't written an opinion on it. I checked with the council.

John Hamilton: I will investigate this and report back to Council.

President Robinson: Oh good. Thank you.

Councilman Adams: I'd like to make a couple of observations. When there were two positions open on the Redevelopment Commission, I suggested that John Friend and Dan McGinn represent us on the thing and appropriately, there was a problem of double jeopardy or double voting. I thought they could abstain and then vote here; that was part of the deal. We did ask, however, pretty stringently, that they send us their minutes but they have not done so this year. And it was like pulling teeth to get the minutes post ipso facto. And so, we also asked the gentleman who was kind enough to come forward as to if he would keep us informed of what they were doing. I don't know. I'm still waiting to be informed.

(Inaudible)

Paul Bitz: I think a living example is the fact that when you people were on the arena. You kept asking for stuff and asking for stuff and you never got it. You're the representatives.

President Robinson: I think we all have said that the Redevelopment Commission has a lot of authority and a lot of power. They're not responsible to the public as we're responsible. We are elected officials. And I find this intriguing that we have this information in front of us when the last few years, we have been saying, we that have been on Council before, have been saying that the Redevelopment Commission has too much power. You know, they come to us afterwards. With this, they have to come to us first. They serve a viable position but they need to us first because the buck stops with us. We're the ones responsible for the funding.

Paul Bitz: I don't know how much...if you don't mind...I don't know how much research you have to do John but don't go stirring up Zoeller, a hornet's nest, with the Attorney General. I know you're smart enough not to do that, but if it's good enough for Carmel...

John Hamilton: Then you don't want me to get his opinion?

Paul Bitz: If it's good enough for Carmel, it's good enough for Evansville, Indiana. I don't know how many of you council members ever asked and checked what Ft. Wayne's doing or Lafayette or Indianapolis or any of those councils. They even make the mayor bring his appointments for approval before the council. Now that's something you people have to decide by ordinance. But I'm telling you, the councils of th...this is an unusual council in Evansville and it has been for years and it's not any fault of anybody sitting up there. But that's the way they've always operated down here but the others don't operate like that, believe me. And I know what I'm doing when I'm talking about legislative research, believe me.

(Inaudible)

President Robinson: Okay, thank you. Councilwoman Mosby?

Councilwoman Mosby: I just want to add that Mr. Wheeler is our appointment on the ERC, he is at every meeting, and he has come up and given us updates. He's always here if we have questions.

Councilman Adams: He gave me updates on the Redevelopment Commission? What, am I asleep all the time?

Councilwoman Mosby: No, he's come in front of us and given updates on Redevelopment Commission.

Councilman Adams: Was I missing?

Councilman O'Daniel: Yeah but I think what we're trying to do is maybe get the minutes so we can review them...

Councilwoman Mosby: And I understand that.

Councilman O'Daniel: ...and keep on top of the stuff rather to rely on one of the five members of the Redevelopment Commission.

Councilwoman Mosby: I understand that but Councilman Adams says we've never gotten updates and Mr. Wheeler has come in front of us when we've asked.

(Inaudible)

Councilman Adams: Well I've missed it because I...

(Inaudible)

Councilman Friend: You know what, I think I asked you a question about that bid on the hotel and your comment was, "Ironically we are going to be..."

(Inaudible)

President Robinson: *(Inaudible)*

Councilman Adams: But the issue really is not post ipso facto. This is pro-active. We've been dealing with issue, for my thought, about almost five years.

President Robinson: Well I think we have Mr. Schaefer in the audience. I think that you might want to tell Redevelopment...it's a new a new department head, Mr. Hooper with DMD and he's probably not aware that we have requested. I mean we have told Lana Abel that we'd like to have minutes of the meeting so if you can make sure we get the minutes of the meeting.

Next, I have Mr. Day.

Jeff Day: Good evening. My name is Jeff Day; I live at 6000 Berry, Evansville, Indiana. I apologize again, as I've done before, for my ignorance but I do not know what Mr. Bitz was talking about, when exactly do you all put together the budget? In other words, the Human Relations Committee for 2013 is going to come and some point in time and you're going to allocate how much money you're going to give to the Human Relations Committee. I just want to know when that occurs. I live in Mr. Friends' ward. If I had Mr. Friends' email address, I could just send him an email, which he really wouldn't like. I'd like to be able to find that out. When do you actually decide what these budgets are going to be or not be?

President Robinson: Mr. Friend is Finance Chairman and I think right now the departments, and correct me Councilman Friend, if I'm wrong the department heads are submitting their budgets to the controller's office right now and the City Council will meet for budget hearings in August.

Councilman Weaver: The 14th, 15th and 16th.

Jeff Day: So somebody, a regular old Jeff Day guy out here, wanted to make statements to the City Council about what should be or not be approved for a budget before it's actually approved for the budget, like what you were just talking about: in advance instead of behind. When do we do that?

President Robinson: In August, you have the dates...

Councilman Weaver: 14th, 15th and 16th.

President Robinson: Can you give him a copy of that? (*Question directed at Councilman O'Daniel*) And so the budget hearings will be held in this room and they will be televised this year.

Councilwoman Mosby: They've always been open to the public and we've always announced them.

Jeff Day: I don't doubt that at all ma'am. I'm just saying I've just never been as concerned about it. This particular year I'm just concerned about the budget; what will or will not be given to the human relations committee.

President Robinson: You've mentioned the Human Relations Committee. That's going to be City and County because the City funds part of the Human Relations Department and then the

County also funds part of it. So that's going to be in a joint budget hearing. Do you have the date for the joint budget hearing? *(Question directed at Councilman O'Daniel)*

Councilman O'Daniel: That looks like August 7.

President Robinson: So that will be August 7.

Jeff Day: Bad news. I'll be here.

Councilman Adams: Well, I would suggest that you could come to any meeting and suggest to us what you think...

Jeff Day: Well you I do most...many of them, but I...

Councilman Adams: No, no, no. I'm suggesting you come and give us suggestions about the budget because the budget is now being formed.

Jeff Day: Well that's again my question, which it may have been poorly worded, I'm good at that, when do I come and do that?

President Robinson: Well I don't think he should do it with us, Councilman Adams because it is the mayor that's going to put things in the budget. We take out. Legally, we don't put anything in. We remove it from the budget. But he needs to be talking to Steve Schaefer or the City Controller and the mayor and tell them that you have something that you want to put in the budget.

Jeff Day: *(Inaudible)*

(Inaudible)

President Robinson: Yeah, because that date when you come whenever that date is August, those are the dates we'll remove...

Jeff Day: Mr. Friend has written down his email address; I can tell that, so I'll send him an email and I'll clarify my question better.

Councilwoman Mosby: And for the record, there is a website for the city that has all of our personal information, how to get in contact with us. And you can also call the City Clerk's office and our information is available.

Councilman Adams: It is interesting that you came up here today because I sent an email to Russ Lloyd thanking him for the April, 2012 totally opaque copy. If you guys can understand that budget, please tell me how. It is absolutely archaic. The police department has their expenses, projections, and so forth in four different places.

Jeff Day: Mr. Friend, I just want to tell you sir, I promise I'll be polite.

(Inaudible)

Councilman Weaver: Councilman Adams, is that like a software issue? What can we do to make it easier to read?

Councilman Adams: It is the way it's been done forever...

Councilman Weaver: Yeah I know; I realize that.

Councilman Adams: I examined it last year. It would take almost a complete revision of how they do it. It would probably take a year and a half to actually do it. I think it's something that's desperately needed. They've done it in Fort Wayne. I guess I'm stupid; I just have trouble understanding this budget.

Councilman Friend: And with the new software that we have now, they can export certain account items into Excel. I did that during the budget. I asked them to regroup some things for me. I had that.

Councilman Adams: Whom did you ask?

Councilman Friend: I asked the controller, Jenny last time.

Councilman Adams: Would you do that for all of us this year?

Councilman Friend: Sure I could.

Councilman Adams: I mean, I asked Russ for the profit and loss statement for Lloyd Pool about six months ago and he was very kind to give it and it was very, very easy to understand. I mean it was right there.

Councilman Friend: Hey, but with EXCEL they can export that in how they want to give it to you. So what I can do is I can get with Russ and say, "Russ, listen we want an income approach. We want revenue and expenses against it to a net number". It makes it easy to...

Councilman Adams: All in one...

Councilman Friend: Yeah, he can compress this. I've also had conversations with Russ about there's so many account numbers that need to be cleaned up. He realizes this. That's another think. The chart of accounts is that thick. *(Indicating a measure with his forefinger and thumb)*

Councilman O'Daniel: Well I mean just think what we've been doing; moving money in and out, three or four times just to balance it.

Councilman Weaver: Do we really need new software... *(Inaudible)* ...why don't we just do in Excel? It doesn't sound like we need special software.

Councilman Friend: If I may answer a question with...What the State Board of Accounts really says you have to use these account numbers. So what happens is yeah, we use them in the general format but then when it comes up for us with the new software it should be exported in Excel and give us a little bit better document.

President Robinson: Okay, Mr. Bitz

Paul Bitz: Mr. Friend, you can get a waiver and you can do away with those accounts. You have to ask for it.

Councilman Friend: Well, what happens when I normally talk with auditors there's so much...well this is the way they did it last year. What will happen, the auditor will spend more time on the audit and then they catch it up with the State Board. That's what happens a lot of times. But you're correct.

President Robinson: Okay, well tonight, I don't know if you should say a reporter is your friend or not but I think we all like Arek; we think he's fair and Arek we are going to miss you. Arek is leaving us and going to Tallahassee, Florida. When's your last day with the paper?

Arek: Wednesday

President Robinson: Wednesday, okay. Well Arek, we want to thank you for being fair in your reporting and we wish you the best of luck.

Arek: Thank you ma'am.

President Robinson: Okay

(Applause)

President Robinson: And also sitting next to Lynn, we have our new City Clerk. Laura Brown we welcome you. We all look forward to working with you Laura and we know you'll do an outstanding job.

Laura Brown: Thank you very much.

(Applause)

President Robinson: And next, I'll have committee reports. ASD Committee

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

Re: Ordinance G-2012-10
Date: June 25, 2012
Time: 5:00 p.m.
Notify: Chris Pugh, Asst. Chief of Police

CHAIRMAN MISSY MOSBY

An ordinance amending Chapter 5.30
(Secondhand Goods, Secondhand
Stores, and Consignment Shops)
and 5.35 (Precious Metal Dealers)

Re: Ordinance G-2012-11
Date: June 25, 2012
Time: 5:05 p.m.
Notify: Ted Ziemer

Amending Title 2 (Administration and
Finance) Adding Section 2.165.240
(Nepotism, Conflict of Interest)

FINANCE COMMITTEE:

Re: Ordinance G-2012-9

CHAIRMAN JOHN FRIEND

Repealing Ordinance F-2012-1

Date: June 25, 2012
Time: 5:20 p.m.
Notify: Russell G. Lloyd

and repeal and re-appropriation of funds

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2012-7
Date: July 23, 2012
Time: 5:20 p.m.
Notify: Maria Worthington

CHAIRMAN DAN MCGINN

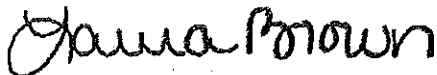
Petition to vacate a public way or
public place, part of SE 5th Street
in Donation Enlargement.

ADJOURNMENT

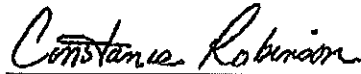
Can I have a motion for adjournment?

Councilman Mosby moved and Councilman Friend seconded the motion to adjourn.
Voice Vote. So Ordered.

Meeting adjourned at 6:50 p.m.



Laura Brown, City Clerk



Constance Robinson, President

ROLL CALL

PLEDGE OF ALLEGIANCE

RECOGNITION OF SCHOOLS

READING AND AMENDMENT OF MINUTES

REPORTS AND COMMUNICATIONS

REQUEST TO WITHDRAW REZONING ORDINANCE R-2012-12

Letter from Goedde Law Office requesting to withdraw Rezoning Ordinance R-2012-12.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-10 A.S.D. (MOSBY) MOSBY & WEAVER

An Ordinance amending Chapters 5.30 (Secondhand Goods, Secondhand Stores, and Consignment Shops) AND 5.53 (Precious Metal Dealers) of the Evansville Municipal Code.

ORDINANCE G-2012-11 A.S.D. MOSBY

An Ordinance amending Title 2 (Administration and Finance) of the Evansville Municipal Code (Nepotism, Conflict of Interest)

ORDINANCE F-2012-8 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriations of funds for various city funds.

ORDINANCE R-2012-13 TO APC C-4 to M-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1808 S. New York Avenue, Evansville, Indiana

Petitioner: Randall L. Evans, Sr. and Patricia G. Rahm
Owners: Randall L. Evans, Sr., Patricia G. Rahm, Tom Evans, James Evans
Representative: Nancy L. Evans
District: Connie Robinson, Ward 4

ORDINANCE R-2012-14 TO APC M-1 to M-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2406 and 2410 Lynch Road, Evansville, Indiana

Petitioner: C2S Holdings, LLC, Kevin Harris, VP
Owners: Same
Representative: Andy Easley Engineering, Inc.
District: John Friend, Ward 5

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-4 as amended FROM APC R-4 to C-4 with U&D Comm.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 306 Chandler Ave., Evansville, Indiana 47713

Petitioner: ECHO Community Health Care, Inc.

ORDINANCE R-2012-10 FROM APC C-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 4701 N. First Avenue.

Petitioner: Walgreen Company

ORDINANCE R-2012-11 FROM APC C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3400 W. Virginia Street

Petitioner: Gerald J. Wildeman

CONSENT AGENDA

SECOND READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2012-9 FINANCE COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

RESOLUTION C-2012-10 FINANCE FRIEND

A Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for tax phase-in for redevelopment and/or rehabilitation of property and for acquisition of manufacturing equipment located at 1719 W. Louisiana Street, Evansville, Indiana (Joe W. Morgan, Inc. (a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2012-9 FINANCE COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

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ORDINANCE R-2012-15 TO APC R-1 to CO-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1425 Covert Ave, Evansville, Indiana

Petitioner: Jeffrey B. and Jane M. Baker
Owners: Same
Representative: Joseph M. Baker
District: Constance Robinson, Ward 4

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2012-4 as amended FROM APC R-4 to C-4 with U&D Comm.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 306 Chandler Ave., Evansville, Indiana 47713

Petitioner: ECHO Community Health Care, Inc.
Owners: Same
Representative: Krista B. Lockyear
District: Constance Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes and 1 abstention.

ORDINANCE R-2012-10 FROM APC C-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 4701 N. First Avenue.

Petitioner: Walgreen Company
Owners: Walgreen Company
Representative: Steven L. Bohleber
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes.

ORDINANCE R-2012-11 FROM APC C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3400 W. Virginia Street

Petitioner: Gerald J. Wildeman
Owners: Gerald J. Wildeman
Representative: Al Lindsey, Ward 6
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes.

RESOLUTION DOCKET

RESOLUTION C-2012-11 (DOCKET) **SPONSORS: BRINKERHOFF RILEY,
ADAMS, LINDSEY, FRIEND, O'DANIEL,
ROBINSON, WEAVER, AND MOSBY**

A Resolution requesting that Allied Waste end its voluntary lockout of 79 local employees and their families return to work.

This resolution was vetoed by Mayor Lloyd Winnecke who did not sign the resolution for passage.

I need a motion to vote to override the veto by Mayor Lloyd Winnecke.

RESOLUTION DOCKET

RESOLUTION C-2012-12 (Docket) **FINANCE** **FRIEND**

A Resolution of the Common Council of the City of Evansville in Support of Economic Development Incentives offered to Wayne Supply Company by the City of Evansville to Locate a New Remanufacturing Operation in the facility on 2504 Lynch Road, Evansville, Indiana

RESOLUTION DOCKET

RESOLUTION C-2012-13 (DOCKET) **MOSBY, WEAVER, ADAMS,
McGINN, O'DANIEL,
LINDSEY, ROBINSON**

A Resolution congratulating the BIKE4ALZ Team of Western Kentucky University students for completing 927 of 3,200 miles as they cycle through the United States raising awareness and funds to fight Alzheimer's disease

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, June 18, 2012. The next City Council meeting will be Monday, June 25, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on June 25th.

Paul Bitz: Speaking on Legislative Matters.

ADJOURNMENT

CITY COUNCIL COMMITTEE MEETING SCHEDULE

June 11, 2012

FINANCE COMMITTEE:

Re: Resolution C-2012-10
Date: June 11, 2012
Time: 5:15 p.m.
Notify: Debbie Dewey

CHAIRMAN JOHN FRIEND

Declaring an economic revitalization area for property tax phase for 1719 W. Louisiana St. (Joe W. Morgan, Inc., a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

Re: Resolution C-2012-9
Date: June 11, 2012
Time: 5:25 p.m.
Notify: Ted Ziemer

Approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for Homesteads for 2013 and casting the votes of the Common Council on said ordinance.

June 25, 2012

A.S.D. COMMITTEE:

Re: Ordinance G-2012-10
Date: June 25, 2012
Time: 5:00 p.m.
Notify: Chris Pugh, Asst. Chief of Police

CHAIRMAN MISSY MOSBY

An ordinance amending Chapter 5.30 (Secondhand Goods, Secondhand Stores, and Consignment Shops) and 5.35 (Precious Metal Dealers)

Re: Ordinance G-2012-11
Date: June 25, 2012
Time: 5:05 p.m.
Notify: Ted Ziemer

Amending Title 2 (Administration and Finance) Adding Section 2.165.240 (Nepotism, Conflict of Interest)

FINANCE COMMITTEE:

Re: Ordinance G-2012-9
Date: June 25, 2012
Time: 5:10 p.m.
Notify: City Council/John Hamilton

CHAIRMAN JOHN FRIEND

Repealing Ordinance F-2012-1 (EarthCare)

Re: Ordinance F-2012-8
Date: June 25, 2012
Time: 5:20 p.m.
Notify: Russell G. Lloyd

Authorizing Transfers of Appropriations and repeal and re-appropriation of funds

July 23, 2012

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2012-7
Date: July 23, 2012
Time: 5:20 p.m.
Notify: Maria Worthington

CHAIRMAN DAN MCGINN

Petition to vacate a public way or public place, part of SE 5th Street in Donation Enlargement

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL

A M^cGINN

✓ MOSBY

A BRINKERHOFF-RILEY

✓ FRIEND

✓ LINDSEY

✓ ADAMS

✓ O'DANIEL

✓ WEAVER

✓ ROBINSON

There being 7 members present, 2 members absent, and 7 members representing a quorum, I hereby declare this session of Common Council officially opened.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance will be led by Adams.

Fellow Councilmen and those in the audience, welcome to the June 11, 2012 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Are there any students in the audience who would like to be recognized?

SCHOOL: _____
NAME: _____

SCHOOL: _____
NAME: _____

COUNCIL ATTORNEY

This evening John Hamilton is City Council Attorney.

SERGEANT AT ARMS

This evening Officer Evans is our Sergeant at Arms.

READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING

Is there a motion to approve the minutes of the May 21, 2012 meeting of the Common Council as written?

Councilman Friend moved and Councilman O'Daniel seconded the motion that the minutes of the regular meeting of the Common Council held May 21, 2012 be approved as written. Voice vote. ✓ So ordered. ✓

REPORTS AND COMMUNICATIONS

IN YOUR JUNE 8TH PACKET:

- *City Council Agenda for the June 11, 2012 City Council meeting.
- *Committee Meeting Schedule.
- *City Council Meeting Minutes from the May 21, 2012.
- *Ordinances G-2012-10, G-2012-11, and F-2012-8.
- *Resolution Dockets C-2012-12 and C-2012-13.
- *Rezoning Ordinances R-2012-9 as amended, R-2012-13, R-2012-14, and R-2012-15.
- *Area Plan Commission Staff Field Reports and Minutes from May 10, 2012 APC Meeting.
- *A letter from Goedde Law Office requesting to withdraw Rezoning Ord. R-2012-12.
- *List of Meetings for June in the City/County Administration Bldg.
- *A memo from City Controller Russell Lloyd regarding 2013 Budget Hearing Schedule.
- *City of Evansville Financial Report dated April, 2012.
- *A memo from City Controller Russell Lloyd regarding costs for Roberts Stadium.

ON YOUR DESK THIS EVENING:

- *A copy of a letter from Councilman John Friend to Umbaugh & Associates.
- *Amended Ordinance F-2012-8.

Councilman Mosley moved and Councilman Weaver

seconded the motion to receive, file and make these reports and communications a part of

the minutes of the meeting. Voice vote. ✓ So ordered. ✓

REQUEST TO WITHDRAW REZONING ORDINANCE R-2012-12

Letter from Goedde Law Office requesting to withdraw Rezoning Ordinance R-2012-12.

Councilman Adams moved and Councilman Lindsey
seconded the motion to accept the request to withdraw Rezoning Ordinance R-2012-12.
Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2012-10 A.S.D. (MOSBY) MOSBY & WEAVER

An Ordinance amending Chapters 5.30 (Secondhand Goods, Secondhand Stores, and Consignment Shops) AND 5.53 (Precious Metal Dealers) of the Evansville Municipal Code.

ORDINANCE G-2012-11 A.S.D. MOSBY

An Ordinance amending Title 2 (Administration and Finance) of the Evansville Municipal Code (Nepotism, Conflict of Interest)

ORDINANCE F-2012-8 FINANCE FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriations of funds for various city funds.

ORDINANCE R-2012-13 TO APC C-4 to M-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1808 S. New York Avenue, Evansville, Indiana

Petitioner: Randall L. Evans, Sr. and Patricia G. Rahm
Owners: Randall L. Evans, Sr., Patricia G. Rahm, Tom Evans, James Evans
Representative: Nancy L. Evans
District: Connie Robinson, Ward 4

ORDINANCE R-2012-14 TO APC M-1 to M-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2406 and 2410 Lynch Road, Evansville, Indiana

Petitioner: C2S Holdings, LLC, Kevin Harris, VP
Owners: Same
Representative: Andy Easley Engineering, Inc.
District: John Friend, Ward 5

ORDINANCE R-2012-15 TO APC R-1 to CO-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1425 Covert Ave, Evansville, Indiana

Petitioner: Jeffrey B. and Jane M. Baker
Owners: Same
Representative: Joseph M. Baker
District: Constance Robinson, Ward 4

Is there a motion to adopt the Consent Agenda, First Reading as written?

Councilman Mosby moved and Councilman Weaver seconded the

Motion to adopt the Consent Agenda First Reading as written.

Voice vote. ✓ So ordered.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2012-4 as amended FROM APC R-4 to C-4 with U&D Comm.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 306 Chandler Ave., Evansville, Indiana 47713

Petitioner: ECHO Community Health Care, Inc.
Owners: Same
Representative: Krista B. Lockyear
District: Constance Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes and 1 abstention.

ORDINANCE R-2012-10 FROM APC C-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 4701 N. First Avenue.

Petitioner: Walgreen Company
Owners: Walgreen Company
Representative: Steven L. Bohleber
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes.

ORDINANCE R-2012-11 FROM APC C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3400 W. Virginia Street

Petitioner: Gerald J. Wildeman
Owners: Gerald J. Wildeman
Representative:
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 8 affirmative votes.

Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman Adams moved and Councilman O'Daniel seconded the motion

to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the

Area Plan Commission Report. Voice vote. ✓ So ordered. ✓ Council now

stands at Third Reading which is final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-4 as amended FROM APC R-4 to C-4 with U&D Comm.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 306 Chandler Ave., Evansville, Indiana 47713

Petitioner: ECHO Community Health Care, Inc.

Krista Lockyear	Lindsey	Robinson	Mills
O'Daniel	Lockyear	Friend	Robinson
Lockyear	Lindsey	Lindsey	Weaver
O'Daniel	Lockyear	Friend	Mills
Lockyear	Lindsey	Lockyear	Weaver
Robinson	Lockyear	O'Daniel	Mills
Friend	Lindsey	Robinson	Weaver
Lockyear	Lockyear	Tim Mills	Mills
Friend	Lindsey	Adams	Robinson
Hamilton	O'Daniel	Mills	
Friend	Lockyear	Robinson	
Robinson	O'Daniel	O'Daniel	
	Lockyear	Mills	
		Robinson	

Is there a motion to adopt Ordinance R-2012-4 as amended and call the roll?

Councilman Waver moved and Councilman Mosby seconded the motion to adopt Ordinance R-2012-4 as amended and call the roll.

ROLL CALL

A MCGINN

✓ MOSBY

A BRINKERHOFF-RILEY

✓ FRIEND

✓ LINDSEY

✓ ADAMS

N O'DANIEL

✓ WEAVER

✓ ROBINSON

There being 4 Ayes and 3 Nays, Ordinance R-2012-4 as amended is hereby declared ADOPTED/DENIED.

No ACTION

HAMILTON
JANET GREENWELL
HAMILTON

LOCKYEAR
ROBINSON

Held to
June 25, 2012

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-10 FROM APC

C-1 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 4701 N. First Avenue.

Petitioner: Walgreen Company

Steve Bohleber	Robinson	Friend	Weaver	O'Daniel
Robinson	Angela Rising	Steve?	Rising	Robinson
Friend	Robinson	Rising	Weaver	Rising
Bohleber	Mosby	Friend	Robinson	Leonard
Robinson	Rising	Adams	Lindsay	Robinson
Adams	Mosby	Friend	Leonard	Robinson
Bohleber	Rising	Steve?	Robinson	Bohleber
Adams	Mosby	Robinson	Robinson	Rising
Friend	Robinson	Mike Leonard	Bohleber	Leonard
Adams	Friend	Friend	Leonard	Rising
Bohleber	Adams	Leonard	O'Daniel	O'Daniel
Friend	Rising	Leonard	Robinson	Rising
Adams	O'Daniel	Robinson	Weaver	O'Daniel
Bohleber	Friend	Friend	Rising	Rising
Adams	Adams	Friend	Robinson	Robinson
Bohleber	Rising	Rising	Rising	Rising

Is there a motion to adopt Ordinance R-2012-10 and call the roll?

Councilman Lindsay moved and Councilman Mosby seconded the motion to adopt Ordinance R-2012-10 and call the roll.

ROLL CALL

✓ M^cGINN

✓ MOSBY

✓ BRINKERHOFF-RILEY

✓ FRIEND

✓ LINDSEY

✓ ADAMS

✓ O'DANIEL

✓ WEAVER

✓ ROBINSON

There being 7 Ayes and 0 Nays, Ordinance R-2012-10 is hereby declared ADOPTED/DENIED.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2012-11 FROM APC

C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
more commonly known as 3400 W. Virginia Street

Petitioner: Gerald J. Wildeman

Ryan Wildeman
Robinson
Wildeman
Friend
Wildeman
Robinson
Weaver
Wildeman

Is there a motion to adopt Ordinance R-2012-11 and call the roll?

Councilman *O'Daniel* moved and Councilman *Mosby* seconded the
motion to adopt Ordinance R-2012-11 and call the roll.

ROLL CALL

✓ M^cGINN

✓ FRIEND

✓ O'DANIEL

✓ MOSBY

✓ LINDSEY

✓ WEAVER

 BRINKERHOFF-RILEY

✓ ADAMS

✓ ROBINSON

There being 7 Ayes and 0 Nays, Ordinance R-2012-11 is hereby declared
ADOPTED/DENIED.

CONSENT AGENDA

SECOND READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2012-9 FINANCE COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

RESOLUTION C-2012-10 FINANCE FRIEND

A Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for tax phase-in for redevelopment and/or rehabilitation of property and for acquisition of manufacturing equipment located at 1719 W. Louisiana Street, Evansville, Indiana (Joe W. Morgan, Inc. (a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

COMMITTEE REPORTS:

FINANCE COMMITTEE

CHAIRMAN FRIEND

Councilman Friend: Madam President, your Finance Committee met this evening to hear Resolutions C-2012-9 and C-2012-10, and both come forward with a (do pass/do not pass) recommendation.

Councilman Daniel moved and Councilman Friend seconded the motion to adopt the Committee Report and move these Resolutions to Third

Reading. Voice vote. ✓ So ordered. ✓

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2012-9 FINANCE COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

Is there a motion to adopt Resolution C-2012-9 and call the roll?

Councilman Friend moved and Councilman Mosby seconded the motion to adopt Resolution C-2012-9 and call the roll.

ROLL CALL

✓ M^cGINN

✓ MOSBY

 BRINKERHOFF-RILEY

✓ FRIEND

✓ LINDSEY

✓ ADAMS

✓ O'DANIEL

✓ WEAVER

✓ ROBINSON

There being 7 Ayes and 0 Nays, Resolution C-2012-9 is hereby declared ADOPTED/DENIED.

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2012-10

FINANCE

FRIEND

A Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for tax phase-in for redevelopment and/or rehabilitation of property and for acquisition of manufacturing equipment located at 1719 W. Louisiana Street, Evansville, Indiana (Joe W. Morgan, Inc. (a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

Is there a motion to adopt Resolution C-2012-10 and call the roll?

Councilman Friend moved and Councilman Adams seconded the motion to adopt Resolution C-2012-10 and call the roll.

ROLL CALL

/ M^cGINN

/ MOSBY

/ BRINKERHOFF-RILEY

/ FRIEND

/ LINDSEY

/ ADAMS

/ O'DANIEL

/ WEAVER

/ ROBINSON

There being 7 Ayes and 0 Nays, Resolution C-2012-10 is hereby declared ADOPTED/DENIED.

RESOLUTION DOCKET

RESOLUTION C-2012-11 (DOCKET)

SPONSORS: BRINKERHOFF RILEY,

ADAMS, LINDSEY, FRIEND, O'DANIEL,

ROBINSON, WEAVER, AND MOSBY

A Resolution requesting that Allied Waste end its voluntary lockout of 79 local employees and their families return to work.

This resolution was vetoed by Mayor Lloyd Winnecke who did not sign the resolution for passage.

Discussion:

John Hamilton
Robinson
Wayne Parke
O'Daniel
Parke
Robinson

I need a motion to vote to override the veto by Mayor Lloyd Winnecke.

Councilman *O'Daniel* moved and Councilman *Lindsey* seconded the motion to vote to override the veto of Resolution C-2012-11.

ROLL CALL

___ MCGINN

✓ ___ MOSBY

___ BRINKERHOFF-RILEY

✓ ___ FRIEND

✓ ___ LINDSEY

✓ ___ ADAMS

✓ ___ O'DANIEL

✓ ___ WEAVER

✓ ___ ROBINSON

There being 7 ayes and 0 nays the veto of Resolution C-2012-11 hereby
(stands/is overridden)

RESOLUTION DOCKET

RESOLUTION C-2012-12 (Docket)

FINANCE

FRIEND

A Resolution of the Common Council of the City of Evansville in Support of Economic Development Incentives offered to Whayne Supply Company by the City of Evansville to Locate a New Remanufacturing Operation in the facility on 2504 Lynch Road, Evansville, Indiana

Discussion:

Doana Crooks
Robinson
Mosby
Crooks
Adams
Friend
Crooks
Robinson
Morris
Robinson

Is there a motion to adopt Resolution C-2012-12?

Councilman *Mosby* moved and Councilman *Weaver* seconded the motion to adopt Resolution C-2012-12 . Voice Vote. So Ordered.

OR CALL THE ROLL

ROLL CALL

J M^cGINN

J MOSBY

 BRINKERHOFF-RILEY

✓ FRIEND

✓ LINDSEY

✓ ADAMS

✓ O'DANIEL *SPOKE*

✓ WEAVER

✓ ROBINSON

There being *7* Ayes and *0* Nays, Resolution C-2012-12 is hereby declared ADOPTED/DENIED.

RESOLUTION DOCKET

RESOLUTION C-2012-13 (DOCKET)

MOSBY, WEAVER, ADAMS,
McGINN, O'DANIEL, LINDSEY,
ROBINSON, FRIEND

A Resolution congratulating the BIKE4ALZ Team of Western Kentucky University students for completing 927 of 3,200 miles as they cycle through the United States raising awareness and funds to fight Alzheimer's disease

Discussion:

Is there a motion to adopt Resolution C-2012-13?

Councilman Weaver moved and Councilman Mosby seconded the motion to adopt Resolution C-2012-13. Voice Vote. So Ordered.

OR CALL THE ROLL

ROLL CALL

___ M ^c GINN	___ FRIEND	___ O'DANIEL
___ MOSBY	___ LINDSEY	___ WEAVER
___ BRINKERHOFF-RILEY	___ ADAMS	___ ROBINSON

There being ___ Ayes and ___ Nays, Resolution C-2012-13 is hereby declared ADOPTED/DENIED.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, June 18, 2012. The next City Council meeting will be Monday, June 25, 2012 at 5:30 p.m. Committee meetings will begin at 5:00 p.m. on June 25th.

Paul Bitz: Speaking on Legislative Matters.

Paul Bitz (Passed out something)

Robinson	Robinson	
Bitz	Adams	
Robinson	Robinson	
Hamilton	Jeff Day	Adams
Bitz	Robinson	Friend
Hamilton	O'Daniel	O'Daniel
Bitz	Day	Weaver
Hamilton	Robinson	Robinson
Adams	Day	Friend
O'Daniel	Robinson	Robinson
Bitz	Day	Bitz
Robinson	Adams	Friend
City	Day	
Hamilton	Robinson	Robinson
Bitz	Day	
Robinson	Mooley	
Mooley	Adams	
Adams	Day	
O'Daniel	Friend	
Mooley	Weaver	
Wheeler	Adams	
Friend	Friend	
	Adams	
	Friend	

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

Re: Ordinance G-2012-10
Date: June 25, 2012
Time: 5:00 p.m.
Notify: Chris Pugh, Asst. Chief of Police

Re: Ordinance G-2012-11
Date: June 25, 2012
Time: 5:05 p.m.
Notify: Ted Ziemer

FINANCE COMMITTEE:

Re: Ordinance G-2012-9
Date: June 25, 2012
Time: 5:10 p.m.
Notify: City Council/John Hamilton

Re: Ordinance F-2012-8
Date: June 25, 2012
Time: 5:20 p.m.
Notify: Russell G. Lloyd

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2012-7
Date: July 23, 2012
Time: 5:20 p.m.
Notify: Maria Worthington

CHAIRMAN MISSY MOSBY

An ordinance amending Chapter 5.30
(Secondhand Goods, Secondhand
Stores, and Consignment Shops)
and 5.35 (Precious Metal Dealers)

Amending Title 2 (Administration and
Finance) Adding Section 2.165.240
(Nepotism, Conflict of Interest)

CHAIRMAN JOHN FRIEND

Repealing Ordinance F-2012-1
(EarthCare)

Authorizing Transfers of Appropriations
and repeal and re-appropriation of funds

CHAIRMAN DAN MCGINN

Petition to vacate a public way or
public place, part of SE 5th Street
in Donation Enlargement.

ADJOURNMENT

Councilman Mosby moved and Councilman Friend

seconded the motion to adjourn. Voice Vote. ✓ So Ordered. ✓

Meeting adjourned at 6:30 p.m.

Goedde Law Office, P.C.

2211 W. Franklin Street
Evansville, Indiana 47712

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Facsimile: (812) 425-4542

Admitted in Indiana and Kentucky
Email: craig@goeddelaw.com

VIA EMAIL ONLY

May 24, 2012

Area Plan Commission
ATTN: Janet Greenwell
1 N.W. Martin Luther King Jr. Blvd., Room 312
Evansville, Indiana 47708

RE: Petition for Rezoning
Plan Commission Docket #: 2-12-16-PC
Ordinance No.: R-2012-12

Dear Ms. Greenwell:

Please accept this letter as my request to withdraw the Petition for Rezoning regarding the above matter.

Thank you for your attention in this matter.

Sincerely,

Goedde Law Office, P.C.

Craig Goedde
CG/mkf

FILED

MAY 25 2012

Alberta Matlock
CITY CLERK



COPY